



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	COUNCIL ON REAL ESTATE APPRAISERS
MEETING DATE AND TIME:	Tuesday, May 21, 2013 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , 2nd floor of the Cannon Building
MINUTES APPROVED:	June 18, 2013

Members Present

Georgianna Trietley, Chair, Professional Member
Ronald Mandato, Vice Chair, Professional Member
Douglas Nickel, Professional Member
Lynn Baker, Professional Member
Brad Levering, Professional Member
Frank Long, Public Member
Frank Smith, Public Member
Richard Wheeler, Public Member

Division Staff/Deputy Attorney General

Kevin Maloney, Deputy Attorney General
Amanda McAtee, Administrative Specialist II
Kay Warren, Deputy Director
Sheryl Paquette, Administrative Specialist III

Members Absent

Jan Jenkins, Public Banking Member

Public Present

Andrew Whitehead
Earl Loomis
Leslie Persans

Call to Order

Ms. Trietley called the meeting to order at 9:31 a.m.

HEARING MINUTES

HEARING – Kelly Leaberry

The Delaware Council on Real Estate Appraisers held a hearing on May 21, 2013, at 09:31 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Georgianna Trietley, Ronald Mandato, Douglas Nickel, Lynn Baker, Brad Levering, Frank Smith, Frank Long and Richard Wheeler

RECUSED: Ronald Mandato, Brad Levering

EXCUSED:

PURPOSE: Rule to Show Cause Hearing

PRESIDING: Georgianna Trietley, Chair, Professional Member

BOARD STAFF: Amanda McAtee, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Kevin Maloney, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Kelly Leaberry

COUNSEL FOR THE RESPONDENT: Andrew A. Whitehead

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER: Kim Hurley, Wilcox and Fetzer

TIME STARTED: 9:31 a.m.

Mr. Maloney began the Rule to Show Cause Hearing of Kelly Leaberry at 9:31 a.m., the Board members introduced themselves, and the court reporter, Kim Hurley, took verbatim testimony of the hearing.

Mr. Maloney stated that this hearing was being continued from the March 19, 2013 hearing and this hearing was being reconvened at the request of Mr. Whitehead. Ms. McAtee had photocopied the original exhibits from the March 19, 2013 hearing and the Council members now had them for reference during the continuation of this hearing.

Mr. Maloney entered the April 8, 2013 email and letter attachment as Council Exhibit One. The April 8, 2013 email and letter attachment contained the information that Mr. Whitehead requested which prompted the continuation of the original March 19, 2013 hearing. Mr. Maloney turned the floor over to Mr. Whitehead

Mr. Whitehead stated that his client was not present because her mother was either in surgery or about to have an operation, he had requested a postponement, and that request was denied.

During the last hearing Mr. Whitehead had submitted Respondent Exhibits 1 through 3:
Respondent Exhibit 1 Appraisal Log March 17, 2012 – June 14, 2012
Respondent Exhibit 2 Appraisal Log June 19, 2012 – September 18, 2012
Respondent Exhibit 3 Series of CE Courses that Ms. Leaberry Completed

Mr. Whitehead stated that after speaking to Ms. Leaberry about the specifics of her July 30, 2012 submission that contained an appraisal of a property located at 36399 Ridgeshore Lane, Millville, DE 19967-6775, that she acknowledged that there were areas of mistakes and had since taken the MLS class and had now offered to retake the USPAP course. She was now asking the Council to not suspend her license and to help her in any way they could with retraining or the completion of additional continuing education.

Mr. Mandato stated that the Council asked questions in the original hearing and questioned if Ms. Leaberry gave Mr. Whitehead any information or answers to address the questions that were asked. Mr. Whitehead asked Mr. Mandato which questions he was referencing. Mr. Mandato replied that rather than get into specific questions, he wanted to know if at any point during the past two months between hearings if Ms. Leaberry gave Mr. Whitehead the HUD 1 letters the Council questioned during the last hearing. Mr. Whitehead stated that he had not received any HUD 1 letters from his client. Mr. Mandato stated that he had called the builder and verified that the builder could have never provided a HUD 1 verification on that particular settlement. As far as the home measuring discrepancy in Ms. Leaberry's report, USPAP stated that an appraiser must personally measure the home. It was determined from her report that she had not personally measured the home.

Mr. Mandato stated that the Council was now two and a half years into her case and her mother had been sick throughout those entire two and a half years. To date, Ms. Leaberry had not done what the Council had asked her to do. Ms. Leaberry could have given her attorney information in reference to the questions the Council asked during the March hearing the day after the hearing.

Mr. Wheeler questioned whether or not Ms. Leaberry had actually taken the Innovia training course. Mr. Mandato stated that she had taken the course but had not submitted the certificate. Ms. McAtee stated that Ms. Leaberry informed her that she was scheduled to take the course in January of 2013 but never submitted a certificate of completion.

With no further questions, the Council went off record at 9:43 a.m. to deliberate.
The Council ended deliberations and went back on the record on 10:26 a.m.

Mr. Nickel made a motion, seconded by Mr. Baker, to suspend Ms. Leaberry's license for a period of six (6) months effective immediately. She was to submit the appraisal logs from January 1, 2013 through May 21, 2013 within 15 days of the beginning of the suspension (May 21, 2013). Her suspension would be followed by continued probation for remainder of her originally ordered probation. During her probation Ms. Leaberry was to submit quarterly logs within 15 days of the expiration of the quarter, and the Council could review work product/sample reports for review upon Council's request. By unanimous vote the motion passed, with Mr. Levering and Mr. Mandato recused.

Mr. Whitehead asked the Council for clarification regarding the logs and the suspension. Mr. Maloney stated that the suspension would be effective immediately, and her logs from January 1, 2013 through May 21, 2013 must be submitted within 15 days of today (May 21, 2013). Ms. Leaberry would receive an official order within thirty days of this meeting.

The hearing adjourned at 10:30 a.m.

Review and Approval of Minutes

The Council reviewed the minutes from the April 22, 2013 meeting. Mr. Nickel stated that he arrived after the public hearing concluded. Mr. Long made a motion, seconded by Mr. Smith, to approve the minutes as amended. By unanimous vote, the motion carried.

Review of Consent Agreement – Ryan Lipsitz

The Council reviewed the consent agreement for Ryan Lipsitz. After discussion, Mr. Long made a motion, seconded by Mr. Nickel to accept the consent agreement of Ryan Lipsitz. The motion carried unanimously.

Unfinished Business

Status of Complaint: 19-01-12

Ms. Trietley stated that complaint number 19-16-11 is closed.

Review of Public Comment Received Regarding April 22, 2013 Rules and Regulations Hearing

Ms. McAtee stated that the Council did not receive public comment regarding the April 22, 2013 Rules and Regulations hearing.

SB 38 Update

Ms. Trietley stated that this update of SB 38 included the changes that were made after the special meeting of the Council on May 6, 2013. Ms. Warren stated that SB 38 was on the schedule for sunset review on June 5, 2013 at 2 p.m. Mr. Maloney stated that the last section of SB 38 changed to allow for the 180 day grace period to obtain licensure after the date of adoption. Ms. Warren suggested that the language should state that companies operating in the State of Delaware as of July 1, 2013 must become licensed on or before July 1, 2014. The Council agreed with Ms. Warren's suggestion and Ms. Trietley stated that the Council would change to the end date from January 31, 2014 to July 1, 2014. Mr. Nickel made a motion, seconded by Mr. Levering, to accept SB 38 as amended. Motion carried unanimously.

The Council adjourned for a ten minute recess at 11:00 a.m. and reconvened at 11:13 a.m.

New Business

New Complaints

Complaint number 19-05-13 of Sussex County was assigned to Mr. Mandato

Ratification of Issued Licenses

Mr. Nickel made a motion, seconded by Mr. Levering, to ratify the list of licenses issued below. The motion carried unanimously.

Eric Espada Jr. – Trainee, Supervisors Thomas Hoffman, CRRPA and
Susan Horsley, CRRPA

Christopher Bourland, CGRPA

Paul Hlubb, CGRPA

Mariano Salvatore Borges, CGRPA

Review of Application for Re-Examination

Ms. McAtee stated that Judith Magann's examination approval had expired and she requested an extension to re-take the exam. Mr. Baker made a motion, seconded by Mr. Long, to allow her to sit for re-examination within six months of today's date. The motion carried unanimously.

Approval of Continuing Education Activities

Mr. Nickel made a motion, seconded by Mr. Mandato, to approve the applications listed below. The motion carried unanimously.

Salvatore Mastrangelo – Association of Realtor School
Property Investment for Real Estate Appraisers – 7 CEU Hours

McKissock, LP
Disciplinary Cases – What Not to do (Live Webinar) – 7 CEU hrs
Land and Site Valuation – (Live Webinar) 5 CEU Hours
Modern Green Building Concepts – 6 CEU Hours
The Green Guide to Appraising – 8 CEU Hours

MD Association of Assessing Officers Educational Conference T
The Evolution of Mass Appraisal and the Role of the Assessor/Appraiser – 3 CEU Hours
Creating Value in the Real Estate Development Process – 2 CEU Hours
Searching for Sales in the State of Maryland, SDAT Automated Assessments Valuation System – 3 CEU hours
Appraising Historic Properties – 3 CEU Hours
Following the Trail: A Guide to USPAP for Assessors -3 CEU Hours
Real Estate Market Analysis – 3 CEU Hours

Appraisal Institute
Advanced Income Capitalization – Synchronous – 35 CEU Hours

American Society of Farm Managers and Rural Appraisers
Repression Analysis Uses in Appraisal – 8 CEU Hours
Minerals Appraisal Seminar – 8 CEU Hours
Rural Case Studies 1 – 8 CEU Hours

Review of Temp Applications (for discussion only)

Mr. Baker made a motion, seconded by Mr. Nickel to approve all applications for temporary practice permit listed below.

Vincent Maniscalco
Bruce Nell
Brian Bisema
Joseph Anderson
Harold E. Lee

Other Business before the Council (for discussion only)

Public Comment

Leslie Persans stated that she had spoken to Ms. Trietley at the annual appraisal seminar and that she was here on behalf of the energy coalition, supported by the State of Delaware. The State of Delaware was moving to adopt the 2012 energy code. The one concern was that they did not know how to approach an appraisal and they were hoping that over time adjustments could possibly be made. Ms. Persans had access to people skilled in the energy code and wanted to know from the Council if they would find this information to be helpful. Ms. Persans would like this topic to be at the next annual seminar. The Council stated for her to continue to work with Ms. McAtee in coordinating for next year's seminar.

Earl Loomis, stated that he was at the meeting in March when the consent agreement was read for Steven Sachs, and that he wanted a copy of the consent agreement. Mr. Maloney stated that he would be in contact with him.

Next Meeting

The next meeting is scheduled for June 18, 2013 at 9:30 a.m. in Conference Room A second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

Mr. Nickel made a motion, seconded by Mr. Mandato to adjourn the meeting. There being no further business before the Council, the meeting adjourned at 11:42 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A McAtee', written in a cursive style.

Amanda McAtee
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Commission members and the public in supplementing their personal notes and recall for presentations.